## *REMARKS*

The present amendment is submitted in response to the Office Action mailed June 6, 2007. Claims 1-12 remain in this application. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

### *Allowed Claims*

Applicant wishes to thank the Examiner for indicating that Claims 3, 4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Objections to the Drawings*

In the Office Action, the drawings were objected to for failing to include labels. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

### *Objections to the Specification*

In the Office Action, the Specification was objected to for failing to include section headings. Applicants respectfully decline to add headings as they are not required in accordance with MPEP §608.01(a).

## *Rejections under 35 U.S.C. §102(b)*

Claims 1, 2, 5, and 9 – 12 were rejected under 35 U.S.C. §102 (b) as being

anticipated by U.S. Patent Publication No. 20030088326  Du et al. - hereinafter Du.

Du is directed to a low power A low-power digital audio decoding and playing

system and method for computing devices provides a low-cost, low power-consumption,

long-battery-life audio playing and decoding system, which may be used to play

compressed audio files of various formats.

Independent Claim 1 has been amended herein to better define Applicant's

invention over Du.  Claim 1 now recites limitations and/or features which are not

disclosed by Du.

Claim 1 is amended herein to recite, *inter alia*, a step of:

    means (3) for determining available **battery** energy and

Support for the amendment to the claim may be found in the specification at paragraph

001, wherein it states:

    [001] The invention relates to a battery powered device for playback of a media title from a

    memory unit, the device comprising means for **determining available battery energy** and

    calculation means for calculating the energy required for the playback of the media title to the

    end, in relation to the available energy. [Emphasis Added]

It is respectfully submitted that Du does not disclose or suggest determining available battery energy. Rather, Du teaches at paragraph 37 that the mini-OS power saving software manages the CPU and the MP3 storage devices to track their power consumption. The process taught by Du is relates to monitoring the instantaneous power consumption of the CPU and other storage devices to adjust their power consumption when necessary. In contrast to Du, the apparatus of the invention does not monitor instantaneous power consumption levels. Rather, the means for determining available battery energy, directly monitors the remaining or available energy remaining in the energy source (i.e., the battery). This is in stark contrast to monitoring/adjusting instantaneous power levels of peripheral devices and the CPU.

Du recites at par. 37:

> [037] The mini-OS power saving software of the present invention **primarily manages the usage of the CPU, and the MP3 storage devices such as CD, HDD, and flash media such as SD (Secure Digital) cards, MMC (Multimedia Card), memory stick, and SMC (Smart Media Card)**, while maintaining the rest of the system, including the memory, corelogic chipsets, in a fully on and functional state. Secondary power saving is applied to other PC subsystems to minimize power usage still further by putting them in an idle state. [Emphasis Added]

Independent Claim 1 has been further amended herein to better define Applicant's invention over Du.

Claim 1 is amended herein to recite, *inter alia*, a step of:

reading means (7,8) for reading at least a part of the media title from the storage medium (6), the

reading means (7,8) being arranged for **retrieving playback control information (5) from the**

**storage medium** concerning the media title and

Support for the amendment to the claim may be found in the specification at paragraph

012, wherein it states:

[0012] **Playback control information is stored with the media title or elsewhere on the**

**storage medium** for facilitating playback of the media title. This playback control information

may for example comprise information about, the resolution of a video, the playing time of a

media title, the compression format or the compression rate of the data, or the sequence in which

different parts of the media title should be displayed. Based on the playback control information

a calculation can be made of the energy required for the playback of the media title to the end.

[Emphasis Added]

It is respectfully submitted that Du does not disclose or suggest reading means

(7,8) for reading at least a part of the media title from the storage medium (6), the reading

means (7,8) being arranged for retrieving playback control information (5) **from the**

**storage medium** concerning the media title. Du only teaches at paragraph 32 that in

today's PC, 128 Mbytes represents a typical system RAM size. There is no teaching or

suggestion of playback information being stored or retrieved from the RAM.

[032] The mini-OS software is then copied from the HDD (2) to RAM (4), and then the first set of compressed files from the song play list is copied from the HDD (2) to the system RAM (4) also using the mini-OS software of the present invention. **For example, in today's PC's 128 Mbytes is a typical system RAM size, with the mini-OS software of the present invention taking about 8 Mbytes of the RAM, leaving approximately 120 Mbytes for use as a compressed music memory (i.e., a cache or buffer, using system memory, dedicated memory, or other memory). That 120 Mbytes represents about 2 hours of continuous compressed music with a compression ration of 10:1, typical of MP3 files.** Similarly, in the case when flash media is used for MP3 storage, all or most of the contents of the flash media card can be copied to the system RAM (4), thus minimizing the access of the flash media reader and allowing for a more responsive control over the MP3 files. [Emphasis Added]

Independent Claim 1 has been further amended herein to better define Applicant's invention over Du.

Claim 1 is amended herein to recite, *inter alia*, a step of:

the calculation means (4) being arranged for calculating said required energy depending on the playback control information (5) and an energy consumption model of the device, **wherein the energy consumption model incorporates at least an average energy consumption of the memory unit and a display unit per unit of time or file size.**

Support for the amendment to the claim may be found in the specification at paragraph 013, wherein it states:

[0013] The calculation of the required energy is based on an energy consumption model of the device. **This model at least encloses the average energy consumption of the memory unit and the display unit per unit of time or file size.** The energy consumption model may also be a more detailed model, modeling all actions to be performed for playing back a media title, stored on a storage medium. The type of the storage medium, the energy required for retrieving a MB of data from the storage medium, the energy required for displaying a minute of a media title in a specific resolution and lots of other elements may be part of a detailed energy consumption model. [Emphasis Added]

It is respectfully submitted that Du does not disclose or suggest an energy consumption model of the device, wherein the energy consumption model incorporates at least an average energy consumption of the memory unit and a display unit per unit of time or file size.

It is further submitted that Du does not teach - calculation means being arranged for calculating said required energy depending on the playback control information. The Examiner cites Du at page 3, par. 38, lines 1-16, for example a 500MHz Pentium III CPU has about 225 MIPS of processing power. The processing power capability recited in Du is not equivalent to calculating required energy in the manner recited in claim 1. A recitation of a single parameter, i.e., processing power, without context is not indicative of energy usage. Claim 1 recites that the energy calculation is performed <u>in dependence on playback control information</u>. Du is silent in this regard. There is no teaching or

suggestion in Du that the processing power capabilities of the device are used in any way whatsoever to calculate required energy. The Examiner has made this nexus on his own.

It is therefore respectfully submitted that at least the limitations and/or features of independent Claim 1 is believed to be patentably distinct over Du. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of claim 1 is respectfully requested.

Claims 2, 5, 9-10 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and are believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) and allowance of Claims 2, 5, 9-10 is respectfully requested.

Independent Claim 11 recites similar subject matter as Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 11 is believed to recite statutory subject matter under 35 U.S.C. §102(b).

Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §102(b) of independent claim 11 be withdrawn, and independent claim 11 be allowed.
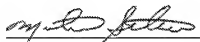
Claim 12 depends from independent Claim 11 and therefore contain the limitations of Claim 11 and are believed to be in condition for allowance for at least the same reasons given for Claim 11. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) and allowance of Claim 12 is respectfully requested.

## Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-12 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call call Mr. Mike Belk, Intellectual Property Counsel, Philips Electronics North America, at 914-945-9643.

Respectfully submitted,

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